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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91217237
Party	Plaintiff WhatsApp Inc.
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Date	10/14/2015
Attachments	WHYSUP Logo - Motion to Amend Application and Conditional Withdrawal of Opp with Prejudice.pdf(2478902 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

WHATSAPP INC.,

Opposer,

vs.

WHYSUP, LLC,

Applicant.

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Mark: WHYSUP Logo

-Serial No. 85/833,232

-Published January 7, 2014

Opposition No. 91217237

**MOTION TO AMEND APPLICATION AND  
CONDITIONAL WITHDRAWAL OF OPPOSITION WITH PREJUDICE**

Opposer filed a Notice of Opposition on July 7, 2014, to Applicant's Application Serial No. 85/833,232 for the mark WHYSUP Logo. Applicant filed an Answer to the Notice of Opposition on December 11, 2014. Opposer and Applicant have agreed to settle their dispute over the application and jointly request that the Board approve this Motion to Amend Application and Conditional Withdrawal of Opposition With Prejudice.

Applicant requests that the Trademark Trial and Appeal Board approve the following amendment to the identification in Application Serial No. 85/833,232:

Cl. 38: Providing an on-line **community** forum for ~~communication~~ **users to ask and answer their peers' questions** on topics **on their personal knowledge and expertise** of ~~general interest~~; Providing on-line chat rooms and electronic bulletin boards for transmission of messages among users **members of a community** on **personal knowledge and expertise** of ~~general interest~~; Providing on-line **community** chat rooms for social networking; **none of the foregoing pertaining to VoIP services or to direct messaging services (including peer-to-peer messaging, peer-to-group messaging, and commercial messaging).**

Cl. 41: Entertainment services, namely, providing a web site featuring photographic, audio, video and prose presentations featuring answers to questions on topics **related to**

shared personal interests, local events, local activities and local businesses given by members of that local community of general interest; Providing a web site that features informal instruction on a variety of topics of general interest relating to personal knowledge and expertise on local events, local activities and local businesses given by users of the website who are members of that local community; none of the foregoing pertaining to VoIP services or to direct messaging services (including peer-to-peer messaging, peer-to-group messaging, and commercial messaging).

Cl. 42: Application service provider featuring application programming interface (API) software for users to share or otherwise engage an online community for purposes of asking and answering questions related to users' personal knowledge and expertise on local events, local activities and local businesses; Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the field of ~~topics of general interest~~ personal knowledge and expertise; Computer services, namely, creating an on-line community for registered users to ask and answer questions posed by other ~~registered users~~ members of their local community; Providing a web site featuring technology that enables users to answer questions relevant to their expertise and read answers to their own questions from experts in the field questioned; Providing a web site that gives ~~computer~~ users the ability to upload and share user-generated videos, essays and articles in order to ask and answer questions ~~on a wide variety of topics and subjects~~ on local events, local activities and local businesses; none of the foregoing pertaining to VoIP services or to direct messaging services (including peer-to-peer messaging, peer-to-group messaging, and commercial messaging).

Cl. 45: On-line social networking services in the field of connecting users based on membership of local communities; Online social networking services provided through a community website in the field of local events, local activities and local businesses; Online social networking services in the field of connecting users based on shared personal interests, local events, local activities and local businesses; Providing a social networking website for entertainment purposes where members of a community can ask and answer questions posed by their peers based on shared personal interests, local events, local activities and local businesses; none of the foregoing pertaining to VoIP services or to direct messaging services (including peer-to-peer messaging, peer-to-group messaging, and commercial messaging).

With this amendment, the recitation of services in Application Serial No. 85/833,232 will read as follows:

Cl. 38: Providing an on-line community forum for users to ask and answer their peers' questions on topics on their personal knowledge and expertise; Providing on-line chat

rooms and electronic bulletin boards for transmission of messages among members of a community on personal knowledge and expertise; Providing on-line community chat rooms for social networking; none of the foregoing pertaining to VoIP services or to direct messaging services (including peer-to-peer messaging, peer-to-group messaging, and commercial messaging).

Cl. 41: Entertainment services, namely, providing a web site featuring photographic, audio, video and prose presentations featuring answers to questions on topics related to shared personal interests, local events, local activities and local businesses given by members of that local community; Providing a web site that features informal instruction on a variety of topics relating to personal knowledge and expertise on local events, local activities and local businesses given by users of the website who are members of that local community; none of the foregoing pertaining to VoIP services or to direct messaging services (including peer-to-peer messaging, peer-to-group messaging, and commercial messaging).

Cl. 42: Application service provider featuring application programming interface (API) software for users to share or otherwise engage an online community for purposes of asking and answering questions related to users' personal knowledge and expertise on local events, local activities and local businesses; Computer services, namely, creating an on-line community for registered users to participate in discussions, get feedback from their peers, form virtual communities, and engage in social networking services in the field of personal knowledge and expertise; Computer services, namely, creating an on-line community for registered users to ask and answer questions posed by other members of their local community; Providing a web site featuring technology that enables users to answer questions relevant to their expertise and read answers to their own questions from experts in the field questioned; Providing a web site that gives users the ability to upload and share user-generated videos, essays and articles in order to ask and answer questions on local events, local activities and local businesses; none of the foregoing pertaining to VoIP services or to direct messaging services (including peer-to-peer messaging, peer-to-group messaging, and commercial messaging).

Cl. 45: On-line social networking services in the field of connecting users based on membership of local communities; Online social networking services provided through a community website in the field of local events, local activities and local businesses; Online social networking services in the field of connecting users based on shared personal interests, local events, local activities and local businesses; Providing a social networking website for entertainment purposes where members of a community can ask and answer questions posed by their peers based on shared personal interests, local events, local activities and local businesses; none of the foregoing pertaining to VoIP services or to direct messaging services (including peer-to-peer messaging, peer-to-group messaging, and commercial messaging).

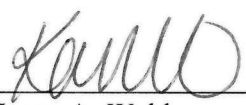
Amendment of the identification is proper under 37 CFR § 2.133(a) as Opposer, through its attorney, consented to the requested amendment. In addition, the requested amendment does not broaden the scope of the present identification.

Conditioned upon the acceptance of the above amendment and with the consent of Applicant, Opposer withdraws Opposition No. 91217237, with prejudice.

Respectfully submitted,

  
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Dated: 10/05/2013

  
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Dated: 10/14/15

# CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing MOTION TO AMEND APPLICATION AND CONDITIONAL WITHDRAWAL OF OPPOSITION WITH PREJUDICE was served this 14th day of October, 2015, by email, on counsel for the Applicant herein at jeff.neu@kuzasneu.com, as the parties agreed to accept service by email.

Dated: 10/14/15

  
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